In third Times suit—

Negroes complain of jury selection

BY AL STANTON
News staff writer

MONTGOMERY, Ala., March 4 —Negro attorneys were overruled in Circuit Court Friday in a flurry of motions attempting to prove systematic exclusion of Negroes from Montgomery County jury rolls.

The two lawyers, representing four Negro defendants, objected vigorously as Circuit Judge Walter B. Jones began drawing a jury venire for the trial of a $500,000 libel suit against The New York Times.

Judge Jones had just taken under consideration a motion by The Times to throw out one $500,000 judgment against it and order a new trial of the suit brought by Montgomery Police Commissioner L. B. Sullivan.

SELECTION OF THE JURY venire was for trial of a third suit against The Times, which also names the four Negro ministers as defendants. That trial, with Commissioner Frank Parks as complainant, is set for May 1.

Negro Atty. Vernon Z. Crawford of Mobile offered a motion to throw out the jury box from which Judge Jones was drawing the venire.

The jury box contains the names of but a handful of Negroes, despite the fact that of the 30,311 persons eligible for jury duty in the county, 14,421 are non-whites.

Crawford argued that the "jury box as drawn does not constitute a cross-section of the population."

JUDGE JONES, in overruling him, said state law gives the Jury Commission, of which Jones is a member, "discretion to select men of honesty and intelligence" for jury duty.

Jones then in rapid order refused the defendants' attorneys access to the jury box, calling this a violation of the law, and denied permission for them to take testimony from members of the Jury Comission. He alos swiftly overruled their motion to subpeona the jury roll and box, from which they had hoped to prove discrimination against Negroes.

The other Negro attorney, Charles Conley of Montgomery, took the witness stand to testify, but never did.

Meanwhile, Jones gave no indication when he would rule on the motion for a new trial of the Sullivan case.

Times Attorneys T. Eric Embry and Roderick MacLeod of Birmingham contended jurors in the case were "placed in the spotlight" by extensive news coverage and were influenced by public prossure to return the verdict for the large sum.

2 Booth Negroes Bound To Jury

PRATTVILLE — Two Autauga County Negroes held in connection with the death of a 72-year-old Negro woman and burning of her house have waived preliminary hearings and were bound over to the grand jury.

Chief Deputy Robert L. Turner said James Solomon Houser and Buster Edwards, both of Booth community, have signed statements in which they told of Frances Arris, also of Booth, being hit with a rock, her money taken and her house burned. The body was found in the ruins last January.

Houser is charged with arson. Edwards with murder.

The deputy said the two told of taking $564 from the woman and dividing it between them.

Dallas County, Ala., in violation of the Constitution's 14th Amendment.

Jack Greenberg, New York attorney, made the contention in asking reversal of a manslaughter conviction against the minister, Lewis Lloyd Anderson.

Prosecution witnesses at Anderson's trial said that on Jan. 20, 1959, he drove his automobile along Minter street in Selma, Ala., at between 60 and 70 miles an hour. Anderson's car hit a standing car, swerved and killed Tom Reese, a Negro pedestrian. The car hit a tree, bounced into the air and turned over.

Anderson was indicted for second degree murder. Convicted on the lesser charge of first degree manslaughter, he got 10 years' imprisonment.

Greenberg related that although a new jury roll was prepared in 1953, after a state court finding that Negroes previously had been barred, the new policy in seven years of operation had resulted in only one Negro serving on a grand jury and none on trial juries.

Much of the argument time allowed by the court was used in answering questions from the justices as to the systems used in selection of prospective jurors in Dallas Couny and other counties of Alabama.

Greenberg summarized his arguments with the assertion that the Anderson appeal represented "a prima facie case of discrimination; there is no question but that there has been racial discrimination in the county."

David W. Clark, assistant attorney general of Alabama, in reply said cards bearing names of prospective jurors give no indication of race and the final selection of those who serve on grand and trial juries is based on chance at card drawings in open court.

Justice Charles E. Whittaker answer. He recalled that five Negroes were on the venire drawn for trial of Anderson. Two were excused for illness, one claimed an over-age exemption and names of the last two were stricken.

Clark said the record did not show if "Anderson's defense counsel struck the names of the two Negroes, adding that "petitioner (Anderson) in appealing could have brought out who struck the two Negroes."

Justice John M. Harlan later pressed this point with Greenberg, who said he believes the prosecution struck the two names. Peter A. Hall, Birmingham, associated with Greenberg, told the high court the move was by the prosecution.

The court took the case under advisement for decision later this spring.

Lawyer Claims Dallas Bars Negroes From Jury Duties

WASHINGTON (AP) — Counsel for a Negro minister argued before the Supreme Court Wednesday that Negroes were systematically excluded from juries in

wanted to know if it was a "practice of Negro defendants not to want Negro jurors to hear their cases."

TWO STRICKEN

Clark said he did not know the

Colored Jurist Named To Calif. Court of Appeals

Journal and Guide
Norfolk, Va.
10-7-61

SACRAMENTO, Calif. — (ANP) For the first time a Negro has been appointed to the bench of the State Court of Appeals here.

He is Superior Court Judge Edwin L. Jefferson, of Los Angeles, a Democrat, appointed to the newly - created division of the second district Court of Appeals by Gov. Edmund G. Brown. The post pays $25,000 a year.

Judge Jefferson, 56, was born in Coffeevill, Miss., is a graduate of the University of Southern California's law school, and was appointed to the superior court by former Gov. Earl Warren in 1948 and elected in 1950 and 1956.

JURIST HONORED—D. C. Municipal Court Judge Andrew J. Howard, Jr. receives congratulations, on completion of ten years of judgeship, by a fellow-Mississippian, U. S. District Court Judge Burnita S. Matthews, while Robert L. Robinson of the Washington bureau of The Courier looks on. The occasion was Law Day, sponsored by the Washington Bar Association, honoring Judge Howard upon his 30 years of law. In his hand is a plaque presented by Atty. Thurman L. Dodson in behalf of the Washington Bar Association.

No Jury Bias, Judge Rules

JACKSONVILLE, Fla. (AP) — A claim of racial discrimination in selection of jury panels was rejected Tuesday by Circuit Judge Claude Ogilvie.

Ernest D. Jackson, attorney for two Negroes charged with raping a white woman, raised the issue in a motion at the start of their trial.

After more than 2½ hours of legal arguments, the judge ruled that Jackson had not shown sufficient evidence of discrimination. Ogilvie also reprimanded the Negro attorney for waiting until the start of the trial to raise the question.

The judge scheduled the trial of William Blunt, 20, and James K. Payton, 18, to begin Wednesday.

22 1961

GENERAL

NAACP members barred from jury

The Afro American p. 20

Balt. Md.

Sat. 11-18-61

WASHINGTON

Are you or have you ever been a member of the NAACP? Have you ever contributed to the NAACP or any other organization which has as one of its goals racial equality?

Has anyone in your family ever belonged to or contributed to the NAACP or any other organization, such as the Non Violent Action Group, which has similar goals.

NO, THESE questions weren't propounded during a Southern scourge of NAACP lists. These were inquiries preliminary to the opening of a trial for alleged hotel discrimination in the nation's capital.

An affirmative answer given by prospective jurors to any of these questions by defense attorneys was ruled cause for dismisal from service by Municipal Court judge Thomas C. Scalley.

* * *

WEDNESDAY, selection of a jury to try the officials of McLean Gardens on the charge, was prolonged, as many panelists - all of them colored - answered "yes" to the questions.

* * *

ONE OF THE attorneys defending McLean Gardens is John J. Wilson, who represented Thompson Restaurant when it lost a segregation case which resulted in integration of hotels and restaurants in the District.

McLean Gardens is violating the statute prohibiting discrimination in hotels for twice refusing to register "well behaved and respectable members of the colored race, not because of the unavailability of rooms but because of their race."

The two young women involved are Miss Bonita Greene and Ronyl J. Steward. The incidents allegedly occurred on July 12 and 13.

* * *

THE CASE reached trial stage only after some controversy issued from the refusal of Clark King, assistant corporation counsel, to prosecute. Chester V. Gray, Corporation Counsel, subsequently took the case out of Mr. King's hands and charges were brought.

During questioning of prospective jurors, one white panelist, though he answered in the negative to the racial questions, appeared incensed that they were asked.

At one point, the juror stood and demanded clarification from Joseph Morgan, defense attorney, who had directed the questions.

"What do you mean, 'do you belong to any organization which has a goal of equality of the races', "the juror asked. "I belong to a church and most churches believe in racial equality."

Mr. Morgan explained that he was speaking in terms of social action organizations "which are becoming quite popular right now."

* * *

MR. MORGAN also wanted to know whether the jurors had ever participated in any picketing, for whatever reason, and inquired whether the "fact that the NAACP was actively urging prosecution of the case would influence any of the prospective panelists."

Robert Wise, assistant corporation counsel, was interested in whether the jurors believed that one who picketts is not a well behaved person; asked whether they had any feelings about integration or whether they felt it was improper to test or feel out public places to ascertain whether they are obeying laws against discrimination.

22 1961

GEORGIA

Negro Bias Charged On Chatham Juries

SAVANNAH, Ga. (UPI)—Savannah attorney Aaron Kravitch lashed out in court Monday against the Chatham County jury system which he charged is discriminating against Negroes.

Kravitch contended that jury commissioners who select jurors "have practiced a studied policy of discrimination as far as members of the Negro race are concerned and have put in the grand jury and petit jury boxes only a nominal number of Negroes although thousands are qualified for jury service."

Court observers said a hearing on Kravitch's plea for revamping the county's jury selection system will be of statewide interest because jury systems throughout Georgia are similar.

Chatham Solicitor General Andrew J. Ryan Jr. said Atty. Gen. Eugene Cook will be notified of the action and probably will have a representative at the hearing.

Kravitch filed his plea in Chatham County Superior Court in an effort to remove a murder charge against Leonard Hubbard, a Negro who is charged with the slaying early this year of Arthur Givens, well-known Savannah Negro and retired hotel employe.

The white attorney based his plea on both the 14th Amendment to the U. S. Constitution and on Georgia's Constitution. He said both grant to all persons charged with a crime "a fair and impartial trial by a properly - chosen grand jury and petit jury."

Kravitch's plea said Negroes in Chatham County "are regarded as a distinct and separate class." He said segregation in hotels, theaters and schools is "the accepted traditional policy so recognized by the community."

Kravitch is well known as a trial attorney but has had little previous connection with civil rights cases a court spokesman said.

Negro Woman On Jury

Protect People, Never Oppress, Grand Jury Told

A Negro woman, Mrs. Salome Berry, 1001 Ashby Grove, S.W., is one of three women serving on the new November-December Fulton County Grand Jury which began its work Tuesday.

Charles S. Stewart, veteran indictment clerk, said Mrs. Berry was perhaps not the first, but he and other courthouse employees could vaguely remember one other Negro woman serving on a grand jury here several years ago.

The incoming grand jury was given its charges and responsibilities Tuesday by Judge Stonewall H. Dyer, making his first charge as a presiding judge. Judge Dyer was appointed by Governor Vandiver last summer to succeed Judge E. E. Andrews who retired.

Mrs. Berry is an employee of the Atlanta Life Insurance Company home office, secretary to Dr. H. L. Lang, medical director of the company.

Judge Dyer, in charging the jury, told them to "be ever mindful of your oaths, receive your great power with humility, meet your responsibility with forthrightness, and speak publicly only through your indictments and presentments."

He gave the jury an eloquent lesson on the role of the grand jury as he declared: "The grand jury stands today as a great guardian of human liberty; no person except by his own consent may be prosecuted for a felonious crime unless formally charged by a grand jury."

Continuing, he said, "Government at local, state, or federal levels, should always be the servant and protector of the people — never their oppressors." A worthy grand jury system will do much to ensure that this be true, he concluded.

Judge Dyer gave the jury no specific investigations to perform, but he told the jury that "By the diligent and lawful exercise of its investigative powers the grand jury can assure the people of Fulton Countya well governed, law-abiding

Sat. 3-18-61

JUDICIAL TETE A TETE—Four of the nation's 65 Negro jurists joined a well-known attorney and a city official for a brief chat during the annual banquet of the Cook County Bar Association at the Palmer House in Chicago recently. From left to right, the Chicagoans are Judge James B. Parsons, Superior Court; Atty. Euclid Louis Taylor; Judge Sidney A. Jones, Jr., Municipal Court; Judge Herman E. Moore, U.S. District Court, The Virgin Islands, retired; Clifford Campbell, deputy commissioner of city planning; and Judge Fred W. (Duke) Slater, Superior Court. —(ANP Photo)

Orleans Parish Grand Jury Empaneled for New Term Here

—Photo by The Times-Picayune.

JUDGE J. BERNARD COCKE Tuesday swore in this new grand jury for Orleans parish. From left are (first row) David Greenup, David Davis Sr., Warren K. Bankston, foreman; Alexander Gottsegen, William R. Jackson, Gerald R. Seely; (second row) Reuben A. Pendleton Jr., Lester A. Majoue, Alfred LeBlanc, James G. Wetzel Jr., Rudolph H. Wagner and George P. Wiedemann. The ceremonies were conducted in Judge Cocke's division of criminal district court.

—Photo by The Times-Picayune.

WARREN K. BANKSTON
Grand jury foreman.

JUDGE DELIVERS SPECIAL CHARGE

Bankston Foreman of New Grand Jury

Warren Kermit Bankston was appointed foreman of the newly impaneled Orleans parish grand jury Tuesday.

Bankston, 5958 Argonne, an engineer for the New Orleans Public Service Inc., was appointed by criminal district court Judge J. Bernard Cocke.

The other 11 members of the jury appointed for a six-month term are:

Alexander Gottsegen, 4215 Vincennes pl., manager, Universal Merchandise Company; William R. Jackson, 2249 Dreux, general foreman, New Orleans Public Service Inc.; Gerald Robert Seely, 3117 Nashville ave., bakery owner; Reuben Allen Pendleton Jr., 2314 Octavia, president of a printing company.

Lester Andrew Majoue, 4934 Warrington dr., assistant trust officer, Whitney National Bank; George P. Wiedemann, 4330 Dodt ave., cashier, Todd Shipyards Inc.; Rudolph H. Wagner, 3150 N. Robertson, mail supervisor, United States engineers; Alfred LeBlanc, 1323 Octavia, steamship agent, LeBlanc-Parr Inc.; James G. Wetzel Jr., 5133 Venus, assistant treasurer, D. H. Holmes Company Ltd.; David Huel Davis Sr., 1917 N. Tonti, life insurance business, Peoples Life Insurance Company, and David McKinley Greenup, 5518 Congress dr., officer, Pontchartrain Park Homes Inc.

Ten of the jurors are white and two—Davis and Greenup — are Negroes.

After Judge Cocke read the 15-page general charge to the newly impaneled jurors, he added a special charge.

"As you have doubtless learned from the public press, radio, and television, the offices of the mayor, the superintendent of police, and a police precinct sattion have been picketed by divers persons because of alleged grievances against the police department.

"In the light of these demonstrations affecting public officials charged with the duty of enforcing the law, and apprehending the possibility of persons of like mind moving into the area of the courts, you are instructed as follows:

"Whoever, with the intent of interfering with, obstructing, or impeding the administration of justice, or with the intent of influencing any judge, juror, witness, or court officer, in the discharge of his duty pickets or parades in or near a building housing a court of the state of Louisiana, or in or near a building or residence occupied or used by such judge, juror, witness, or court officer, or with such intent uses any soundtruck or similar device or resorts to any other demonstration in or near any such building or residence shall be fined not more than $5000 or imprisoned not more than one year or both.

"Nothing in this section shall interfere with or prevent the exercise of any court of the state of Louisiana of its powers to punish for contempt." (Revised statute 14: 401, Act 177 of 1950).

Before Judge Cocke appointed the 12 new members of the grand jury, the retiring grand jury made its report to Judge Thomas Brahney.

One of the recommendations was:

A study be made of the physical conditions of the courtrooms of sections "D" (Judge Brahney) and "F" (Judge Oliver Schulingkamp) because they are inaccessible and "their size and furnishings do not lend themselves to the dignity of their respective courts."

The retiring grand jury, under foreman William J. Childress, made a report on the traffic court and the traffic violation bureau.

The grand jury conducted an investigation of the traffic court, violation bureau, and heard testimony about alleged irregularities.

"All leads furnished as a source of possible criminal intent were followed through, but the results in general did not provide specific and sufficient information to pinpiont individuals at fault and-or those directly responsible for the conditions brought out in the several reports disclosing the altering of and-or fixing of traffic tickets, the report stated.

"The grand jury, however, believes that had the procedures dated January 26, 1959, been followed with proper control, the difficulties encountered may not have occurred."

The jury "strongly" recommended the following procedure be followed in order to prevent the deplorable situations to develop again:

"1. The traffic violations bureau must be provided with additional space to eliminate the crowded and intolerable conditions within the working space of the bureau.

"This can be done by finding other quarters, at another location, for the V. D. clinic, which is adjacent to the traffic and municipal courts building. Convert this building (now housing the V. D. clinic) for use by the traffic violations bureau. . . .

"2. Arrange through the public administration clearing house, at 1313 East 60th st., Chicago, Ill., for an expert on records and procedures to conduct a comprehensive study of the traffic court and the traffic violations bureau. The recommendations resulting therefrom can be placed and kept in effect as quickly as is practicable.

"3. The employes of the traffic violations bureau should be immediately placed under civil service, in order to guarantee effective operations with qualified personnel.

"4. To prohibit anyone within the working space of the traffic violations bureau, except the authorized official personnel of the traffic bureau, and also that effective police action be taken to eliminate loitering within and adjacent to the courts building, by those with no official business with the traffic court and bureau.

"5. Legal procedures should be developed so that reports can be made to the traffic court on traffic violations bureau on traffic tickets issued to juveniles for traffic violations.

"6. Moreover, future grand juries should make inspections of the traffic violations bureau.

"The grand jury believes that the above recommendations, with adequate controls, properly applied and kept in effect, will prevent a recurrence of the tampering with traffic tickets, etc."

The words "properly applied and kept in effect" were underlined in the jury's report.

The Louisiana Weekly

TWO NEGROES WERE among the 12-man jury sworn in Monday as members of the Orleans Parish Grand Jury. Judge Thomas M. Brahney swore in the new members who will serve a six-month term. They were (front row, from left) William J. Childress, foreman; Philip M. Baptiste, general manager, Calvin General Insurance Co.; Alfred M. Barnes, Jr., Frederick W. Dantanan, Jr., Haidel J. Christophe, president, Peoples Life Insurance Co., and Forres M. Collins. Back row, from left: John H. Dees, Sr., Lester W. Edell, Jr., William G. Richards, Joseph G. Scheib, John P. Werlein and Arthur Khern, Jr.

Tap 2 For Grand Jury Service

Two Negroes were appointed on the New Orleans parish grand jury and were sworn in this week. They were Haidel J. Christophe, president of the People's Life Insurance Company and Philip M. Baptiste, general manager of the Calvin General Insurance Co. Mr. Christophe has served on the grand jury before. On the occasion of his last service an investigation was made of the police department, the office of the district attorney and the mayor's office. Some indictments resulted and some were convicted as a result of the grand jury's findings.

Negroes have served on the parish grand jury in New Orleans for a number of years. They served largely because of the fact that many Negroes, indicted and sometimes convicted of crimes, had these convictions set a side on claims that Negroes had been systematically excluded from jury service.

Among the first Negroes used on the parish grand jury were H. E. Braden, Sr., and Frank Farrell. They were placed there, according to belief of many, so that the grand jury could return an indictment against the Negro Republican boss of Louisiana politics, Walter L. Cohen. The grand jury did return the indictment and Cohen was tried. He was exhonorated by the court.

Maryland-Virginia Briefs

The Washington Post p 2-B
Washington, D.C. Thurs. 4-20-61

Baltimore Grand Jury Group Is Asked to Admit Negroes

BALTIMORE, April 19 (AP) Twelve of the 15 judges on the Supreme Court of Baltimore City urged the Grand Jurors Association yesterday to stop excluding Negroes from its membership.

The statement came in a letter to Helen Cann Janne, president of the Association, which, the judges said, barred a former grand juror from membership because of his race.

The letter pointed out that the Association, which is composed of former Baltimore grand jurors, is a private organization and hence free to set its own racial policies.

But the judges said that as honorary members of the Association they felt compelled to take a stand on the racial question.

"The grand juries on which all your members served were selected without discrimination as to race or religion, in accordance with the law of our land," the letter read.

"We urge that your organization reconsider a membership policy inconsistent wtih those principles."

22 1961

MISSISSIPPI

Segregationist Named To Jury With Negro

JACKSON, Miss., Nov. 6 (UPI)—W. J. Simmons, administrator of the pro-segregation Mississippi Association of Citizens Councils, today was named foreman of a Hinds County grand jury that has one Negro member, James Thames.

22 1961

TENNESSEE

Negro Woman Federal Grand Jury Foreman

NASHVILLE, Tenn.—(ANP) Mrs. H. H. Walker, wife of a Nashville doctor, is the first Negro ever to serve as foreman of a district federal grand jury here.

Mrs. Walker, active for many years in civic organizations here, began her grand jury duties last week. She was appointed by Federal Judge William E. Miller.

Negroes have served on federal grand juries here several years but court attaches said she is the first to be designated foreman.

Negro on Tennessee Jury

BROWNSVILLE, Tenn., May 23 (AP)—A Negro was selected for the first time Monday to serve on the Grand Jury of Haywood County. He is Joseph Ballard, 65 years old, custodian at City Hall. Haywood and adjacent Fayette County, where Negroes outnumber the white population, became embroiled in racial controversy last year as a result of a movement to encourage Negroes to register to vote.